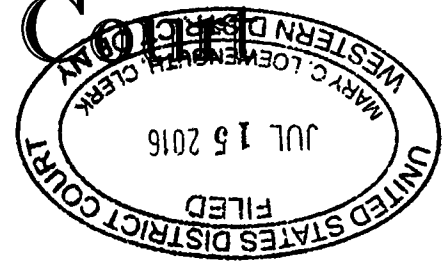


United States District Court

for the
Western District of New York



United States of America

v.

Case No. 16-M- 103

Arthur Jordan

Defendant

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

Count 1

(Interstate Communication of Threat to Injure)

Between on or about July 6, 2016, and July 7, 2016, in the Western District of New York, the defendant, Arthur Jordan, knowingly and willfully did transmit, in interstate and foreign commerce, a communication, that is, a Facebook posting, with knowledge that the communication will be viewed as a threat, and the communication contained a threat to injure one or more police officers, specifically, "Let's Start Killin Police Lets See How Dey Like It."

All in violation of Title 18, United States Code, Section 875(c).

This Criminal Complaint is based on these facts:

☒ Continued on the attached sheet.

Complainant's signature

CHRISTOPHER A. DAILEY
SPECIAL AGENT
FEDERAL BUREAU OF INVESTIGATION

Printed name and title

Sworn to before me and signed in my presence.

Date: July 15, 2016

City and State: Buffalo, New York

Judge's signature

HONORABLE H. KENNETH SCHROEDER, JR.
UNITED STATES MAGISTRATE JUDGE

Printed name and title

AFFIDAVIT

STATE OF NEW YORK)
COUNTY OF ERIE) SS:
CITY OF BUFFALO)

CHRISTOPHER DAILEY, being duly sworn, deposes and states:

1. I am a Special Agent of the Federal Bureau of Investigation (FBI) and have been so employed since July 2015. I am currently assigned to the Buffalo Division of the FBI, which is in the federal Western District of New York. In my career as an FBI Special Agent, I have investigated many federal crimes, including violent criminal matters. As such, I am an "investigative or law enforcement officer of the United States" within the meaning of 18 U.S.C. § 2510(7), that is, an officer of the United States empowered by law to conduct investigations of and to make arrests for offenses enumerated in 18 U.S.C. § 2516.

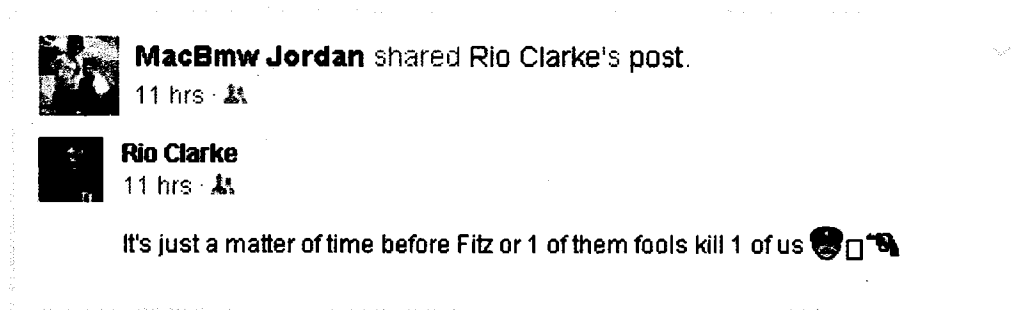
2. Title 18, United States Code, Section 875(c) reads as follows:
Whoever transmits in interstate or foreign commerce any communication containing any threat to kidnap any person or any threat to injure the person of another, shall be fined under this title or imprisoned not more than five years, or both.

3. I submit this affidavit in support of a criminal complaint charging the defendant, Arthur Jordan, with a violation of Title 18, United States Code, Section 875(c). This affidavit is based upon my knowledge of the investigation and upon information that I received from other law enforcement officers, witnesses, and widely disseminated news reports. Because

this affidavit is offered only to establish probable cause, it does not recite all the information obtained during the course of the investigation.

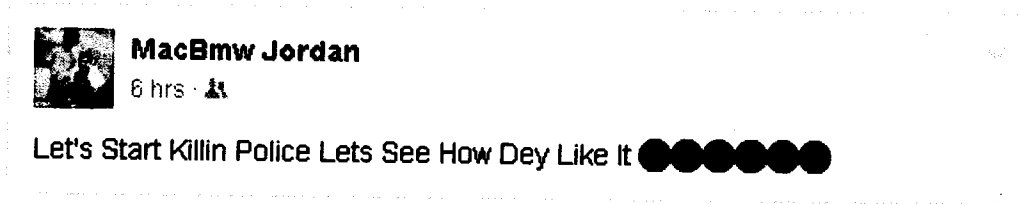
4. Beginning on or about July 5, 2016, news outlets widely reported the shooting death of a black man by police in the State of Louisiana. Beginning on or about July 6, 2016, news outlets widely reported the shooting death of a black man by a police officer in the State of Minnesota.

5. On or around July 7, 2016 at approximately 10:30 a.m., a law enforcement officer in Erie County, New York, reviewed the Facebook profile of defendant Arthur Jordan as maintained under the Facebook moniker "MacBmw Jordan."¹ One post by Jordan, purporting to have been made 11 hours earlier, shared a post made by another Facebook user that stated: "Its just a matter of time before Fitz or 1 of them fools kill 1 of us" followed by emojis that appear to depict a police officer wearing a blue uniform cap and a revolver pointing at the officer's head. A screenshot of this post is reproduced as follows:



¹ Jordan's Facebook posts appear to be visible to all accounts that are "friends" of his account and to all accounts that are "friends" of these accounts. Thus, the posts appear to be visible to a large network of Facebook accounts beyond Jordan's control.

6. Another post by Jordan, purporting to have been made six hours earlier, stated: "Let's Start Killin Police Lets See How Dey Like It." A screenshot of this post is reproduced as follows:



7. It is believed that the post recited in Paragraph 5 referred to a specific Buffalo Police Department Officer, who works in the E District of the City of Buffalo, New York, and has been involved in investigations and interactions with members and associates of the Central Park Gang, of which Jordan is a member.

8. Later on July 7, 2016, while attempting to locate Jordan, an FBI special agent spoke with Jordan's father at Jordan's residence in Buffalo, New York. Jordan's father told the agent that he had told his son, Jordan, to take those comments off Facebook. In addition, Jordan's father confirmed that Jordan had used Jordan's cell phone to access the Facebook application to post the comments mentioned in Paragraphs 5 and 6.

9. On July 14, 2016, Buffalo Police Department officers arrested Jordan for the following charges: New York State Penal Law 265.03-3- Criminal Possession of a Weapon in the Second Degree, New York State Penal Law 195.05 – Obstructing Governmental Administration in the Second Degree, and New York State Penal Law 205.30- Resisting arrest. Jordan possessed a loaded black Colt .380 caliber automatic pistol, serial number

MU0724, which was loaded with one round in the chamber and three rounds in the magazine. The loaded firearm was found wrapped in a wash cloth and located in Jordan's rear jean pocket by the Buffalo Police officers. After the officers found the firearm on Jordan, they attempted to arrest Jordan. Jordan refused to comply with the officer's commands and stated to the Buffalo Police, "Get off me! I am not gone comply!" Jordan refused to put his hands behind his back and the Buffalo Police had to physically subdue Jordan.

10. The Buffalo Police officers who ultimately arrested Jordan were aware of the threatening Facebook posts, and were aware that members of the FBI-SSTF had been making efforts to find and speak with Jordan in Buffalo, New York. After Jordan's arrest, the Buffalo Police officers advised Jordan of his Miranda rights and interviewed Jordan. During the interview, Buffalo Police asked Jordan "What's with you trying to say you wanna kill cops?" Jordan replied, "It is what it is. I said, maybe I wanna kill cops. Y'all look scared. I had my chance to do what I should've done. ..." Buffalo Police asked Jordan, "What has any cop ever done to you?" Jordan replied, "You see the news. I should've done some CNN shit. I would've been all over the news if I would've done what I was thinking about. You don't even wanna know what I was thinking about. I should've just waited at the door for Y'all." During the conversation, Jordan also stated, "... I got big balls. I wanted to go out on CNN. I had my chance."²

11. On July 15, 2016, members of the FBI Safe Streets Task Force again advised Jordan of his Miranda rights and interviewed him. During the interview, the agents showed

² Jordan also made other self-serving statements documented in a BPD CPL 710.30 Notice dated July 14, 2016.

Jordan a copy of the Facebook posts referred to in Paragraphs 5 and 6. Jordan stated that he authored the posts on his Facebook account from his iPhone, the same iPhone that was inventoried following his arrest on July 14, 2016 by the Buffalo Police Department. Jordan stated that he posted the comments because he is mad about what is going on around the country.³ Jordan stated that the BPD Officer referenced in the post described in Paragraph 5 has a lot of contact and arrests in areas frequented by members of the Central Park Gang and therefore might be one of the police officers that would end up shooting members of the Central Park Gang or others in that area. Law enforcement personnel asked Jordan if he knew when the last time that the Buffalo Police Department had a shooting. Jordan replied, "No, but its not about here, it about what goin on in the world with police killin people." In addition, Jordan stated he doesn't like police because he thinks they stop him for no reason. Jordan stated that he posted the referenced comments to Facebook while he was "in the streets", which law enforcement know to be his residential area in Buffalo, New York.


12. It is reasonable to conclude that when Jordan stated, "I had my chance to do what I should've done..." Jordan was referring to killing the law enforcement officers that arrested Jordan. It is also reasonable to conclude that when Jordan stated, "You see the news. I should've done some CNN shit. I would have been all over the news if I would've done what I was thinking about..." that Jordan was referring to recent, highly publicized shootings of police officers in Dallas, Texas, and his desire to shoot and kill police officers and to gain notoriety for committing murder of police officers. The defendant's statements

³ Jordan also made other self-serving statements during this interview.

are consistent with his Facebook threat recited in Paragraph 6, "Let's Start Killin Police Lets See How Dey Like It."

13. Jordan stated that he posted the comments to Facebook utilizing his mobile phone, referencing the iPhone, while he was "in the streets" referencing an area in Buffalo, New York, where he currently resides. Facebook Inc. is headquartered in and has servers located throughout California. Therefore, it is reasonable to conclude that any communications, posts, or other electronic transmissions uploaded to Facebook would have traveled over New York state lines.

14. **WHEREFORE**, based upon the foregoing, your affiant respectfully submits that probable cause exists to believe that **ARTHUR JORDAN** has violated Title 18, United States Code, Section 875(c) as charged in the Criminal Complaint.



CHRISTOPHER A. DAILEY
Special Agent
Federal Bureau of Investigation

Sworn to and subscribed to before

me this 15th day of July, 2016.



HONORABLE H. KENNETH SCHROEDER, JR.
United States Magistrate Judge